In re Appln. of Monne et al.
Application No. 10/550,970
Response to Final Office Action of July 26, 2007

Remarks

The following remarks are responsive to the Office Action dated July 26, 2007 (the "Office Action"), which was made final.

At the time of the Office Action claims 1-16 were pending. Claims 9 and 11 stand rejected under 35 U.S.C. § 102(a) as anticipated by Thelen et al. (U.S. Patent No. 6,487,534). Claims 1-8 and 12-16 stand rejected as obvious over Thelen et al. over Yang et al. (US Patent Publication No. 2004/0044522).

Claims 1-12

Independent claims 1 and 9 each require "first control means for selecting at least one signal to be transmitted to the server, from the audio signal to be recognized and a signal indicating the calculated modeling parameters."

The Office Action contends that Thelen et al. teaches "a user terminal in a distributed speech recognition system comprising one server suitable for communication with said user terminal" comprising the aforementioned feature. (Office Action at pages 4-5) In particular, the Office Action contends that the feature is taught in Thelen et al. at column 9, lines 19-33. (Office Action at page 2) This contention is respectfully traversed.

As an initial matter, Applicant respectfully submits that the Office Action takes contradictory positions regarding Thelen et al.'s teachings in that the Office Action recognizes, on one hand, that the server described in Thelen et al. does not contain modeling parameter calculation means. (Office Action at page 6) Meanwhile, on the other hand, the Office Action contends that the server is able to handle a received audio signal. (Office Action at page 2) Applicant respectfully submits that the latter is incorrect.

The first control means required by claims 1 and 9 control whether the terminal transmits an unprocessed audio input signal or modeling parameters. As shown in the figure of the present application, in the terminal the audio input signal can be routed through the modeling

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parameter calculation means and it can also bypass the modeling parameter calculation means. The controller selects either the unprocessed audio signal from the bypass or the signal output from the modeling parameter calculation means for transmission to the server. As shown in the figure, the controller may comprise a switch for selecting one signal or the other.

In contrast, the terminal described in Thelen et al. does not include a controller that selects for transmission to the server either an unprocessed audio signal or a signal output from modeling parameter calculation means. In Thelen et al., the audio input signal is always pre-processed in the terminal by a spectral analysis subsystem (SAS) 333, as shown in FIG. 3. (See also Col. 7, lines 50-52, and Col. 4, lines 16-49) There is no bypass of the SAS. Thus, the speech controller is not selecting from two types of signals — one an audio input signal and the other a pre-processed signal corresponding to the audio input signal — to transmit. The speech controller may "direct[] part (or all) of a speech input signal to the server station;" however, the "speech input signal" mentioned in the referenced portion of Thelen et al. is never an "audio signal." Indeed, the Office Action admits that the server lacks modeling parameter calculation means. (Office Action at page 6) As a result, the server is not capable of handling an audio signal, and the terminal must pre-process audio signals as discussed above.

Thelen et al. does not describe a terminal with "control means for selecting at least one signal to be transmitted to the server, from the audio signal to be recognized and a signal indicating the calculated modeling parameters." Thus, for at least this reason, Thelen et al. cannot anticipate independent claim 9. Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 9, and claims 10-11, which depend therefrom, under 35 U.S.C. § 102(a) is respectfully requested.

Moreover, with respect to independent claim 1, Yang et al. does not remedy this deficiency in Thelen et al. As a result, the cited combination of references lacks at least one claim element and no *prima facie* case of obviousness or anticipation exists for at least the foregoing reason. Claims 2-8, all of which depend from claim 1, are likewise not obvious for at least the foregoing reason. Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 1, and claims 2-8, which depend therefrom, under 35 U.S.C. § 103(a) is respectfully requested.

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In the event that the Office maintains the rejection of independent claim 9 under 35 U.S.C. § 102(a), Applicants respectfully request that the Office, in the interests of compact prosecution, identify on the record and with specificity sufficient to support a *prima facie* case of anticipation, where in the Thelen et al. patent a "first control means for selecting at least one signal to be transmitted to the server, from the audio signal to be recognized and a signal indicating the calculated modeling parameters" is alleged to be taught. Likewise, in the event that the Office maintains the rejection of independent claim 1 under 35 U.S.C. 103(a), Applicants respectfully request that the Office, in the interests of compact prosecution, identify on the record and with specificity sufficient to support a *prima facie* case of obviousness, where in the cited art of record a "first control means for selecting at least one signal to be transmitted to the server, from the audio signal to be recognized and a signal indicating the calculated modeling parameters" is taught, disclosed or suggested, or apply new art against the claims.

Claims 13-16

As an initial matter, claim 13 has been amended herein to correct a typographical error. In particular, the phrase "control means for controlling the second calculation means" should have read "control means for controlling the input signal modeling parameter calculation means." No new matter has been added by way of this Amendment. In addition, Applicants respectfully submit that the Office, in its consideration of claim 13, interpreted the phrase as amended herein. (Office Action at page 10.)

Claim 13 relates to the server side of the system of claim 1. As discussed above with reference to claims 1 and 9, the terminal side of the system includes control means for selecting between an audio input signal and a signal output from the modeling parameter calculation means for transmission to the server. The server includes a corresponding control means for handling the signals that it receives. In particular, independent claim 13 requires "control means for controlling the input signal modeling parameter calculation means and the recognition means, in order, if the selected signal received by the reception means is an audio signal, to activate the parameter calculation means by addressing the selected signal to them

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as an input signal, and to address the parameters calculated by the calculation means to the recognition means as input parameters, and if the selected signal received by the reception means indicates modeling parameters, to address said indicated parameters to the recognition means as input parameters." The Office Action contends that Yang et al. teaches the aforementioned feature. (Office Action at pages 10-11) This contention also is respectfully traversed.

Yang et al. describes a distributed vocal recognition system wherein a server receives from a client a message comprising configuration data and speech data. Unlike the server claimed in the present application, the message that the server in Yang et al. receives from the client is always the same — a packet containing both configuration data and speech data. (See ¶¶ 35-36.) The server in Yang et al. does not direct the input it receives based upon whether it is receiving either an unprocessed audio input signal or a processed audio signal in the form of a signal output from modeling parameter calculation means in the terminal. It merely receives a data packet, separates the configuration data from the speech data, and then sends the configuration data to a configuration controller and the speech data to a speech recognition engine. (See FIG. 2)

Yang et al. fails to disclose the control means required by Claim 13, and this deficiency is not remedied by Thelen et al. As a result, the cited combination of references lacks at least one claim element and no *prima facie* case of obviousness or anticipation exists for at least the foregoing reasons. Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 13, and claims 14-16, which depend therefrom, under 35 U.S.C. § 103(a) is respectfully requested.

In the event that the Office maintains the rejection of independent claim 13 under 35 U.S.C. 103(a), Applicants respectfully request that the Office, in the interests of compact prosecution, identify on the record and with specificity sufficient to support a *prima facie* case of obviousness, where in the cited art of record the required control means and the input signal modeling parameter calculation means are taught, disclosed or suggested, or apply new art against the claims.

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The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

/brian c. rupp/

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